

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAARILLE LINZY,

Plaintiff,

Civil Action No.: 1:21-CV-05097

-against-

UBER TECHNOLOGIES, INC.,

Defendant.

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REQUEST TO CHARGE

Plaintiff Shaarille Linzy, by her attorneys, Rosenbaum & Rosenbaum, P.C. respectfully requests that the following charges be given to the jury during the trial of this action:

Plaintiff claims that Defendant's negligence caused an automobile incident on December 5, 2019. Therefore, the common law of New York applies, and the proposed jury charges below are based on the Pattern Jury Instructions utilized by the State courts of New York. Plaintiff reserves the right to add or modify the charges depending on the proof adduced at trial, and on the claims the Court ultimately permits to go to the jury.

PJI 1:20	Introduction
PJI 1:21	Review Principles States
PJI 1:22	Falsus in Uno
PJI 1:23	Burden of Proof
PJI 1:24	Return to Courtroom
PJI 1:25	Consider Only Testimony and Exhibits
PJI 1:25C	Interested witness

PJI 1:26	Special Verdicts
PJI 1:26A	Five-Sixths verdict
PJI 1:27	Exclude sympathy
PJI 1:27A	Fair Juror and Absence of Implicit or Unconscious Bias
PJI 1:28	Jury Function
PJI 1:30	Conclusion
PJI 1:31	Alternate Jurors
PJI 1:40	Consider Only Competent Evidence
PJI 1:41	Weighting Testimony
PJI 1:60	Burden of Proof – When Burden Differs on Different Issues
PJI 1:70	General Instruction – Circumstantial Evidence
PJI 1:94	Use of a Pre-Trial Deposition
PJI 2:10	Negligence
PJI 2:12	Foreseeability
PJI 2:26	Statutory Standard of Care- Vehicle and Traffic Law Violation VTL 1225 (d)
PJI 2:65	<i>Res Ipsa Loquitor</i>
PJI 2:70	Proximate Cause
PJI 2:75	Motor Vehicle Accidents – Pedestrian Crossing Highway
PJI 2:77	Motor Vehicle Accidents – Duty Toward Other Motors, in general
PJI 2:235	Liability For the Conduct of Another- Employer-Employee- Scope of Employment

PJI 2:255	Liability For the Conduct of Another-Independent Contractor
PJI 2:88D	No Fault Law – Serious Injury – Permanent Total loss of Use of Body Organ, Member, Function or System
PJI 2:88E	No Fault Law – Serious Injury – Permanent Consequential Limitation of Use of Body Organ or Member
PJI 2:88F	No Fault Law – Serious Injury – Significant Limitation of Use of Body Function or System
PJI 2:88G	No Fault Law – Serious Injury – Non-Permanent Medically Determined Injury That Prevents Performance of Usual and Customary Daily Activities For 90 of 180 Days Immediately Subsequent to Injury
PJI 2:277	Damages – General
PJI 2:280	Damages – Personal Injury – Pain and Suffering
PJI 2:280.1	Loss of enjoyment of life
PJI 2:280.2	No Income Tax on Recovery
PJI 2:282	Damages – Personal Injury – Aggravation of Pre-existing Injury
PJI 2:283	Damages – Personal Injury – Increased Susceptibility to Injury

SHAARILLE LINZY reserves the right to amend or supplement this Request to Charge depending on the proof adduced at trial.

Respectfully submitted,

/s/ Matthew T. Gammons

Matthew T. Gammons, Esq.
ROSENBAUM & ROSENBAUM, P.C.
Attorneys for Plaintiff
100 Wall Street, 24th Floor
New York, New York 10005
212-514-5007